

***DRAFT 12/18/17 – SUBJECT TO CHANGE  
For Review and Adoption by the Council at the January 25, 2018 Meeting***

**DELTA STEWARDSHIP COUNCIL  
Thursday, December 14, 2017  
West Sacramento City Hall Galleria  
1110 West Capitol Avenue  
West Sacramento, CA 95691**

**MEETING SUMMARY**

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**1. Welcome and Introductions**

The meeting was called to order at 2:05 p.m., Dec. 14, 2017, by Chair Randy Fiorini.

**2. Roll Call – Establish a Quorum (Water Code §85210.5)**

Roll call was taken and a quorum was established. The following members were present: Randy Fiorini, Skip Thomson, Susan Tatayon, Mike Gatto, Ken Weinberg, and Pat Johnston.

**3. Closed Executive Session – (Not open to the public) (Action Item)**

The Council may discuss litigation matters pursuant to Government Code §11126 (e)(2)(A), (e)(2)(B)(i), and/or (e)(2)(C)(i), including: (a) Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758, and (b) Bracewell Engineering Inc., et al., v. Delta Stewardship Council, et al., Sacramento County Superior Ct. No. 34-2015-80002178.

The Closed Session (Litigation) convened at 2:03 p.m. and adjourned at 2:40 p.m., with Chair Randy Fiorini presiding.

**4. Reconvene Open Session**

Upon adjournment of the Closed Session, the Council reconvened in Open Session at 2:42 p.m.; Chair Fiorini said he had nothing to report from the Closed Session and noted that Member Damrell had joined the meeting during closed session.

**5. Adoption of the November 16, 2017 Meeting Summary (Action Item)**

Chair Fiorini asked if there were any questions, suggestions, or comments from the Council or public regarding the Nov. 16, 2017 meeting summary; there were none.

**Motion:** (Offered by Thomson, seconded by Tatayon) to approve the Nov. 16, 2017 meeting summary.

**Vote:** (7/0: Johnston, Damrell, Weinberg, Gatto, Fiorini, Tatayon, Thomson) and the motion was adopted.

*The video showing this motion and vote can be found on the linked agenda <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2017-12-14>, 00:04:57*

## **6. Chair's Report (Information Item)**

Chair Fiorini updated the Council on his outreach efforts related to the ecosystem amendment, notably meetings with Delta area agricultural commissioners. Chair Fiorini also commented that he was happy to meet with anyone who is interested in discussing the amendment.

Chair Fiorini noted the public hearing that would begin at 4:00 p.m. and the extension of the public comment period to Jan. 22, 2017.

Member Johnston recounted his visit to the emergency rock pile in Stockton, which has the capacity to hold 300,000 tons of rock for emergency levee repairs compliment ongoing maintenance work by local reclamation districts.

Member Weinberg said he attended the recent Association of California Water Agency (ACWA) conference in Southern California and noted the funding discussions that need to happen, especially around levee work. Chair Fiorini—who also attended the conference, noted that two of the keynote speakers were Delta Plan Interagency Implementation Committee (DPIIC) members—Grant Davis from the Department of Water Resources (DWR) and Austin Ewell from the Department of the Interior. Mr. Ewell mentioned DPIIC during his address.

## **7. Executive Officer's Report (Information Item)**

Ms. Law referenced the public hearing and the extension of the public comment period until Jan. 22, 2017 at 5:00 p.m., resulting in an 83-day public comment period. Ms. Law noted the weather and how close California always is to either drought or flood. The current ridge of high pressure off of the coast of California will be keeping things dry for the next several weeks. She said the dry weather is a good reminder of the University of California, Davis' soon to be released report on drought that was mentioned during the November 2017 Council meeting's panel discussion on drought.

Ms. Law updated the Council on covered action certifications. The review period for DWR's Decker Island project ended the prior week without appeal. The project—including in California EcoRestore—will enhance up to 140 acres of tidal wetland, associated high marsh, and riparian habitats to benefit special status species like delta smelt and Swainson's Hawk. The review period for Reclamation District 2028's Bacon Island Levee Rehabilitation Project ends on Sunday, Dec. 18, 2017. The project will rehabilitate 4.7 miles of levee along the western side of Bacon Island. Ms. Law provided a personnel update, noting Ms. Pearson's leave. Ms. Law also announced the Council's new executive fellow, Seth Yund, who will be with the Council through August 2018.

### **7a. Legal Update**

There was no Legal Update presented at the meeting.

### **7b. Ecosystem Amendment Update**

Ms. Law directed Council's attention to the memo in the Council packet. The memo accompanying this agenda item can be found on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-dec-14-2017-agenda-item-7b-attachment-1-update-ecosystem-amendment>. The memo summarizes outreach to date and the progress that staff is making. The next Council presentation will be in February regarding draft performance measures and synthesis papers.

Ms. Law concluded her report by previewing the day's agenda.

Chair Fiorini asked if there were any members of the public who wished to comment on the executive officer's report; there were none.

## **8. Lead Scientist's Report (Information Item)**

Chair Fiorini invited Dr. John Callaway to present the Lead Scientist's Report. The report covered a number of collaborative and science communication activities; it is available on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-dec-14-2017-agenda-item-8-lead-scientists-report>.

Mr. Johnston asked if the paper highlighted in the report, authored by Brett Mulligan and Alejo Polk-Krauss, includes examples. Dr. Callaway responded that nine case studies—all in the Delta—are noted in the long-version of the document, which can be found here: <https://escholarship.org/uc/item/9352n7cn>.

After Dr. Callaway concluded his report, he invited Catherine Courtier to present the *By the Numbers* summary. *By the Numbers* is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-dec-14-2017-agenda-item-8-attachment-1-numbers>. Member Johnston asked how poor flow in the Sacramento and fair flow in the San Joaquin could lead to good exports. Dr. Callaway responded that one month is just a snapshot and that we need to see multiple months together to get a good understanding of the flow. Dr. Callaway offered to develop a graph to better demonstrate multiple months of flow.

Chair Fiorini asked if there were any members of the public who wished to speak; there were none.

## **9. Delta Plan Five-Year Review (Information Item)**

Chair Fiorini invited Ms. Law to present Item 9.

The staff report for Item 9 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-dec-14-2017-agenda-item-9-delta-plan-five-year-review-staff-report>. Attachment 1, Chapter 2 of the Delta Plan, is

posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-dec-14-2017-agenda-item-9-delta-plan-five-year-review-attachment-1>. The presentation for Item 9 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-dec-14-2017-agenda-item-9-delta-plan-five-year-review-presentation>.

Ms. Law provided an overview of how Council staff is planning to conduct the 5-year review of the Delta Plan. Member Weinberg asked about triggering California Environmental Quality Act (CEQA) review and whether or not a new document with a new name should be developed. Member Weinberg also suggested thinking about how we talk to the public about the review process. Ms. Law responded by noting that the initial assessment will determine whether or not CEQA is necessary and that the intent is for the development of a refreshed document, reflecting where we are in 2018.

Member Johnston encouraged the Council to complete the review by the end of 2018. There will be a new governor and legislative leaders and they would welcome some comprehensive but understandable reading of where we are in the Delta. Chair Fiorini noted that the next check-in will be during the spring of 2018.

Chair Fiorini asked if there were any members of the public who wished to comment on this item; there were none.

Following Item 9, the Council recessed at 3:52 p.m. and reconvened at 4:00 p.m.

#### **10. Hearing to Receive Public Comments on the Draft Program Environmental Impact Report for the Delta Plan Amendments (Information Item)**

Chair Fiorini opened the public hearing at 4:00 p.m. Chair Fiorini reviewed the purpose of today's hearing and began accepting public comment. The Council heard from the following individual: Roger Thibault.

Chair Fiorini closed the public hearing at 7:00 p.m.

*The video showing public hearing can be found on the linked agenda <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2017-12-14>, beginning at 1:04:15.*

#### **11. Public Comment**

Chair Fiorini asked if there were any members of the public who wished to comment; there were none.

#### **12. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date.**

The meeting adjourned at 7:01 p.m.